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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,814	12/05/2006	Donald John Newman	10399.17	6648
21999 7590 06/17/2009 KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER LUGO, CARLOS	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 06/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,814

Applicant(s)

NEWMAN ET AL.

Examiner

CARLOS LUGO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the words "said" and "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8 and 10-13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,067,758 to Fann et al (Fann) in view of US Pat No 6,584,816 to Lee.

Fann discloses a handle assembly comprising a handle (1), a handle spigot (12), biasing means (3) to bias the handle to a naturally closed position, an operating plate (4) which is rotatable by the handle spigot, a mounting stock (8), and a housing (2).

The spigot, biasing means, operating plate and a majority of the mounting stock are positioned within the housing. The mounting stock (8) being securable to the housing (by means of 5) to hold all the components within the housing.

However, Fann fails to disclose that the handle and the spigot are two members attached together. Fann discloses a one piece member.

Lee teaches that it is well known in the art to provide a handle (1) and a spigot (26 or 27) as to separate members attached together.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the handle and the spigot described by Fann as separate members attached together, as taught by Lee, since separate elements fastened together, in place of a one-piece construction, is a design consideration within the skill of the art.

4. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,067,758 to Fann et al (Fann) in view of US Pat No 6,584,816 to Lee as applied to claim 1 above, and further in view of US Pat No 5,617,749 to Park.

Fann, as modified by Lee, fails to disclose the use of a mounting plate with the handle assembly.

Park teaches that it is well known in the art to provide a mounting plate (plate attached to the door, figure 1) that interacts with a handle assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the handle assembly described by Fann, as modified by Lee, with a mounting plate, as taught by Park, in order to make a separation between the handle assembly and the surface where is place it. The use of a plate will not change the mechanism of the handle assembly.

5. **Claims 1-8 and 10-13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,386,602 to Lan in view of US Pat No 6,584,816 to Lee.

Lan discloses a handle assembly comprising a handle (3), a handle spigot (where 3 is pointing in figure 1), biasing means (15) to bias the handle to a naturally

closed position, an operating plate (4, 23) which is rotatable by the handle spigot, a mounting stock (2), and a housing (16).

The spigot, biasing means, operating plate and a majority of the mounting stock are positioned within the housing. The mounting stock (2) being securable to the housing (by means of 5) to hold all the components within the housing.

However, Lan fails to disclose that the handle and the spigot are two members attached together. Lan discloses a one piece member.

Lee teaches that it is well known in the art to provide a handle (1) and a spigot (26 or 27) as to separate members attached together.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the handle and the spigot described by Lan as separate members attached together, as taught by Lee, since separate elements fastened together, in place of a one-piece construction, is a design consideration within the skill of the art.

6. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,386,602 to Lan in view of US Pat No 6,584,816 to Lee as applied to claim 1 above, and further in view of US Pat No 5,617,749 to Park.

Lan, as modified by Lee, fails to disclose the use of a mounting plate with the handle assembly.

Park teaches that it is well known in the art to provide a mounting plate (plate attached to the door, figure 1) that interacts with a handle assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the handle assembly described by Lan, as modified by Lee, with a mounting plate, as taught by Park, in order to make a separation between the handle assembly and the surface where is place it. The use of a plate will not change the mechanism of the handle assembly.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LUGO whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
Art Unit 3673

June 15, 2009.